

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

May 24, 2006

DIVISION ONE

Court convened at 9:00 a.m.

Present: Mallano, Acting P. J., Vogel (Miriam A.), J., Rothschild, J. and S. Stahl, Deputy Clerk.

B183964 Morgan
 v.
 Los Angeles City Board of Fire and Police Pension Commissioners

Merits:
Argued by Ronald Gold for appellant and by Mary Jo Curwen, Deputy City Attorney for respondent. Cause submitted.

B182308 Avner
 v.
 Olympus America, Inc., et al.

Merits:
Argued by Daniel M. O'Leary for appellant and by Jeffrey A. Swedo for respondent. Cause submitted.

Vogel, J. leaves the bench

B178729 Gottlieb
 v.
 Kest

Merits:
Argued by Brian M. Grossman for appellant and by Raymond L. Asher for respondent. Counsel waived the presence of Spencer, P.J. Cause submitted.

May 24, 2006 (Continued)

DIVISION ONE (Continued)

Vogel, J. returns to the bench.

Rothschild, J. leaves the bench.

B181278 Galaz
B181428 v.
Oshita

Merits:

Argued by Michael Harris for appellant and by Brian D. Boydston, for respondent. Counsel waived the presence of Spencer, P.J. Cause submitted.

B177496 Erde
B181358 v.
Moriarty et al.

Merits:

Argued by Shmuel Erde, appellant in propria persona, and by John B. Taylor, for respondent Singer et al. and by Jean Moriarty for respondent Wallace P.

Court adjourned.

DIVISION THREE

B178176 People (Not for Publication)
v.
Javier Laurel

The judgment is modified to reflect 401 days of presentence custody credit consisting of 349 actual days and 52 days of good time/work credit and, as so modified, affirmed.

Klein, P.J.

We concur: Croskey, J.
Kitching, J.

May 24, 2006 (Continued)

DIVISION THREE (Continued)

B187370 People (Not for Publication)
v.
Roland Malone

The appeal is dismissed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION FIVE

B183528 People (Not for Publication)
v.
Olivario De La Cruz-Cody

The judgment is affirmed.

Armstrong, Acting P.J.

We concur: Mosk, J.
Kriegler, J.

DIVISION SIX

Court convened at 9:30 A.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and J. Terry, Deputy Clerk.

DIVISION SIX (Continued)

B186245 Barrish
 v.
 Christ Unity Church

Merits:

Argued by Claire M. Corcoran for appellant Christ Unity Church.
Argument previously waived by counsel for respondent Paul D. Barrish.
Argument waived by respondent Tama Dane pursuant to rule 17(a)(2),
California Rules of Court. Cause submitted.

B183571 Yecny Enterprises, Inc.
 v.
 United States Aircraft Insurance Group

Greenarc Insurance Services

v.
United States Aircraft Insurance Group

Merits:

Argued by William H. Kerry for appellants Greenarc Insurance Services, et al. and by Maria L. Hutkin for respondent Yecny Enterprises, Inc. Cause submitted.

B182196 Brown
 v.
 Souza

Merits:

Argued by George L. Wittenburg for appellants and by Barbara D. Guerena for respondent. Cause submitted.

Perren, J., left the bench.

DIVISION SIX (Continued)

B175514 Yarborough
 v.
 Doherty

Merits:

Argued by Diane Matsinger for appellant Connie Doherty and by Maria L. Hutkin for respondent. Argument was previously waived by appellant Dennis DiRicco, in propria persona. Cause submitted.

B185283 Sharma
 v.
 Sharma

Merits:

Argued by Ash Sharma, appellant appearing in propria persona, and by Ernest A. Casacca for respondent. Cause submitted.

B186802 San Luis Obispo Coast Keeper
 v.
 San Luis Obispo County
 Anastasi Development Company

Merits:

Argued by Babak Naficy for appellant and by James P. Corn for respondent County of San Luis Obispo and real party in interest Anastasi Development Company. Cause submitted.

B184054 Barton
 v.
 Benson

Merits:

Argued by John F. Hodges for appellant, by Millard F. Ingraham for respondent and by Stephanie Ann Bowen for Amicus Curiae in support of respondent. Cause submitted.

Court adjourned.

DIVISION EIGHT

B179486 Leonard Jackson (Not for Publication)
 v.
 Billy J. Thomas et al.,

For the reasons set forth above, the order sustaining the demurrers to the first amended complaint without leave to amend, and the concomitant order dismissing the first amended complaint, are affirmed. Respondent to recover her costs on appeal.

Rubin, J.

We concur: Cooper, P.J.
 Flier, J.

B183132 Mattel, Inc., (Not for Publication)
 v.
 Ronald Brawer

The judgment is reversed. The matter is remanded to the trial court with directions to vacate the order sustaining the demurrer without leave to amend and to grant Mattel leave to amend to state a cause of action for declaratory relief premised on its contention that (1) Brawer is bound by Mattel's Code of Conduct regardless of his failure to sign that document, and (2) Brawer's implicit disavowal of ongoing obligations under Mattel's Code of conduct, based on his refusal to explicitly acknowledge such obligations in his exit interview, and his statement that he had not signed the document. The parties are directed to bear their own costs of appeal.

Boland, J.

We concur: Rubin, Acting P.J.
 Flier, J.

May 24, 2006 (Continued)

DIVISION EIGHT (Continued)

B184413 People (Not for Publication)
v.
Keith Fitzgerald Francis

The judgment is affirmed.

Boland, J.

We concur: Rubin, Acting P.J.
Flier, J.